

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF RHODE ISLAND

In Re:)	
)	
NAPPA REALTY, LLC)	Case No.: 10-11413
)	
Debtor)	Chapter 11
_____)	

DEBTOR'S APPLICATION FOR AUTHORITY TO EMPLOY COUNSEL

Pursuant to § 327(a) of the Bankruptcy Code, and Rule 2014(a) of the Federal Rules of Bankruptcy Procedure, Nappa Realty, LLC ("Debtor") hereby applies for authority to employ Peter J. Furness the law firm of Sinapi, Formisano & Co., Ltd. ("Counsel"), as counsel for the Debtor under a retainer for services rendered and to be rendered during the pendency of this Chapter 11 proceeding. In support of this application, the Debtor states as follows:

1. The Debtor filed with this Court a Voluntary Petition for relief under Chapter 11 of the Bankruptcy Code (the "Code") on April 1, 2010.
2. Debtor has continued in possession of its property and pursuant to §§ 1107 and 1108 of the Code, the Debtor is managing, continuing to develop and operating its business as a debtor-in-possession.
3. The Debtor wishes to retain Counsel to represent it in these Chapter 11 proceedings.
4. The Debtor has chosen Counsel because of its expertise in bankruptcy law, insolvency, and debtors' and creditors' rights. The Debtor believes that Counsel is well qualified to represent it in this Chapter 11 case.

5. Counsel should be employed under a retainer because of the variety, complexity and time required for the services that will be rendered during these proceedings.

6. The Debtor requires the assistance of Counsel in order to faithfully execute its duties as debtor-in-possession. As bankruptcy counsel, Counsel will (a) provide Debtor legal advice with respect to its powers and duties as Debtor-in-possession in the continued operation, development and management of its business; (b) assist the Debtor in taking all necessary action to protect and preserve the estate; (c) represent Debtor in connection with matters as to its secured and unsecured creditors; (d) assist Debtor in development, marketing and sale of substantially all of its assets; (e) prepare, on behalf of the Debtor, all necessary Applications, Answers, Orders, Reports and other legal papers; (f) assist to develop and prepare a plan of reorganization and disclosure statement; and (g) will represent Debtor at all court hearings and perform all other legal services normally incident to Chapter 11 cases.

7. To the best of the Debtor's knowledge, Counsel and all of the attorneys at Counsel are "disinterested persons" as the term is defined in § 101(14) of the Code, except as those certain disclosures are as set forth in the Affidavit of Peter J. Furness ("Affidavit"), filed in connection herewith and attached hereto. Counsel believes that neither Counsel, nor any of the attorneys at Counsel, hold any interest materially adverse to the estate.

8. Subject to this Court's jurisdiction with respect to professional fees, the Debtor has agreed to compensate Counsel for its services and reimburse Counsel in full

for its cash disbursements and for such expenses as Counsel customarily bills to its clients.

9. Debtor has tendered \$5,000.00 directly to Counsel as a retainer herein and has agreed to engage counsel at the rate of \$340.00/hr and reimburse counsel for all expenses incurred.

10. The Debtor has agreed that Counsel will earn the retainer upon payment, but such compensation and reimbursement of expenses is subject to allowance by the Court upon appropriate application and after notice and a hearing.

11. The Debtor believes that the employment of Counsel is in the best interests of the Debtor and its creditors.

12. Counsel has agreed not to share with any person or firm the compensation to be paid for services rendered in connection with these cases.

13. No trustee, examiner or creditors' committee has been appointed in this case.

14. Notice of this Motion has been given, by regular mail or electronic mail to those parties as set forth in the Certificate of Service attached hereto.

WHEREFORE, the undersigned prays that this Court:

A. Enter an Order authorizing the Debtor to employ Peter J. Furness and Sinapi, Formisano & Co., Ltd. as counsel pursuant to Bankruptcy Code § 327 and Bankruptcy Rule 2014(a).

B. Grant such other and further relief as the Court deems just and proper.

This, the 1st day of April, 2010.

Nappa Realty, LLC
/s/ Steven M. Nappa, Managing Member

NOTICE

Within ten (10) days after service as evidenced by the certification (twenty (20) days for U.S. Government officers and agencies thereof) of the foregoing paper, and an additional three (3) days pursuant to Fed. R. Bankr. P. 9006(f) if you were served by mail, any party against whom this paper has been served, or any other party in interest who objects to the relief sought herein, shall serve and file an objection or other appropriate response to this paper with the Bankruptcy Court Clerk's Office, 380 Westminster Street, Sixth Floor, Providence, RI 02903 (401) 528-4477. If no such objection is filed within the time allowed herein, the paper will be deemed unopposed and will be granted, unless (1) the requested relief is prohibited by law; (2) the requested relief is against public policy; or (3) in the opinion of the Court the interest of justice requires otherwise.

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the within Debtor's Application for Authority to Employ Counsel was mailed postage prepaid or via electronic mail to the following this 1st day of April, 2010.

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